HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No. 23093 of 2007

Date: 13.11.2007

Between:

Hemanth V. Nerlekar & others

… Petitioners

and

Punjab National Bank Housing Finance Ltd.,
Rep. by its Authorised Officer, Hyderabad.

… Respondent

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O R D E R:

This Court ordered notice before admission on 01.11.2007 and also made the following order:

> " In view of the facts and circumstances, interim direction to the respondents to hand over the possession of the flats bearing Nos. 002, 104, 202, 203, 301 to 305 situated at 1-4-92, New Maruti Nagar, Kothapet, R.R. District until further orders. However, these orders would be subject to the further orders, which would be made in the writ petition."

2. It is stated by the learned Standing Counsel appearing for the respondent that the possession had been delivered on 06.11.2007. W.V.M.P. No.2822 of 2007 is filed to vacate the interim order and a reply affidavit had also been filed. Several of the facts had been narrated in the affidavit filed in support of the writ petition and equally several details had been given in the counter-affidavit filed along with the vacate application and further a reply affidavit had also been filed. It is not in controversy that the writ petitioners have already filed securitisation appeals in relation to the same subject matter and the said appeals are pending disposal on the file of the Debts Recovery Tribunal, Hyderabad (for short, 'the Tribunal'). It is also stated that appropriate stay applications had been moved before the Tribunal.

3. In the light of the facts and circumstances and since the possession had been restored in pursuance of the order dated 01.11.2007, this Court is inclined to direct *status quo* to be maintained for a period of eight weeks and further the Tribunal to pass appropriate orders on the stay applications said to be pending in the securitisation appeals relating to the writ petitioners in the meanwhile.

4. The writ petition is disposed of accordingly. No order as to costs.

(P.S. NARAYANA, J)

November 13, 2007

Note:
Issue CC in one week.

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